

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

Subfile No. CHGA-004-0001C

MOTION TO CORRECT CLERICAL ERROR

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order correcting a clerical error in the Consent Order filed September 4, 2002 (Docket No. 6847) in connection with defendants HELEN VIGIL, LINDA VIGIL and OLIVIA VIGIL and subfile CHGA-004-0001C, and as grounds therefore plaintiff states:

1. Under Fed. R. Civ. P. 60(a), clerical mistakes in judgments or orders arising from oversight or omission may be corrected by the court at any time on its own motion or on the motion of any party after such notice, if any, as the court orders.

2. In connection with the 3.2 acre tract of land and water rights described in the order, the Consent Order filed September 4, 2002 in Subfile CHGA-004-0001C incorrectly described the point of diversion as the diversion for the Vigiles Ditch (X = 1,461,348, Y = 1,903,006). The map attached to the order correctly showed the 3.2 acre tract of land to be irrigated from the Placitas Ditch.

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order correcting the description of the point of diversion of the water rights described in the Consent Order

filed September 4, 2002 (Docket No. 6847) to the following:

Point of Diversion:

Ditch Name: Placitas Ditch

Location X: 1,460,847 feet **Y:** 1,899,475 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Dated: September 17, 2009

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of September 2009, I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Olivia Vigil
P.O. Box 592
Española, NM 87532

Helen Vigil
P.O. Box 234
El Rito, NM 87017

Linda Vigil
8401 Wynview Ct. NW
Albuquerque, NM 87120

/s/ Ed Newville

EDWARD G. NEWVILLE